

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2134.04
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	May 21, 2004
DATE OF REPORT:	June 18, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	July 12, 2004

**COMPLAINT ISSUES:**

Whether the Marion Community Schools and the Grant County Special Education Cooperative violated:

511 IAC 7-27-5(c) by failing to provide the parent with a copy of the written report of the case conference committee (CCC) meeting.

**FINDINGS OF FACT:**

1. The Student is eight years old and is eligible for special education and related services as a student with a moderate mental disability.
2. The Student's annual CCC meeting was convened on April 28, 2004. As the allotted time for the scheduled CCC meeting was running out, a couple of issues regarding the Student's special education had yet to be decided by the CCC. As the CCC meeting adjourned, no decision was made about whether to reconvene and when. The Complainant was expected to think over a recommendation to keep the Student in the same Life Skills program that will be implemented in the Student's home school beginning next school year. The Complainant expected that a copy of the CCC Report/IEP (individualized education program) would be mailed to her for review. A copy of the CCC Report from the April 28, 2004 meeting was not sent to the Complainant. The School did not take steps to notify the Complainant about a date to reschedule the CCC.
3. The CCC reconvened on May 25, 2004 at the request of the Complainant to address a "bathrooming" accident that took place on May 10, 2004. The completed CCC Report/IEP was mailed on May 27, 2004.

**CONCLUSIONS:**

1. Findings of Fact #2 and #3 indicate that the School failed to ensure that the Complainant clearly understood whether the CCC would be reconvened and when and, as a result, failed to ensure that the Complainant received a copy of the CCC Report/IEP. Only at the request of the Complainant did the CCC reconvene as the result of an issue unrelated to the issues being discussed at the April 28, 2004 CCC meeting. Therefore, a violation of 511 IAC 7-27-5(c) is found. No corrective action is required as the Complainant has received a copy of the CCC Report/IEP.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**